IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 33906 of 2007(J)

AGAINST THE ORDER IN IA 1763 2007 IN OS.147/1994 of SUB COURT, MANJERI
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PETITIONER:

KIZHAKKETHIL MOHAMMED ABDUL SAMAD
S/O.MOHAMMEDALI HAJI
KIZHAKKETHIL HOUSE
PONNIAKURUSSI PO, PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.R.RAJESH KORMATH

RESPONDENT:

K.K.UMMER,S/O.HAMSAKUTTY
PARAL AMSOM, VAZHENKADA DESOM PERINTHALMANNA TALUK MALAPPURAM DISTRICT,REPRESENTED BY POWER OF ATTORNEY HOLDER, N.K.ASSAINAR,S/O.YOUSAF HAJI, ALIPARAMBA AMSOM, ALIPARAMBA PO, PERINTHALMANNA TALUK, MALAPPURAM DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 33906 OF 2007

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Dated this the 16th day of November, 2007.

J U D G M E N T

This writ petition is filed with a prayer to set aside the order in I.A.1763/07 and to direct the Subordinate Judge, Manjeri to include the suit in the list for trial after a period of 4 months. The plaintiff is the writ petitioner before the Court. A perusal of the materials available before the Court would reveal that the suit happened to be decreed exparte twice, it was set aside and now it is included in the list for trial on 20.11.07. A petition was filed to remove the case from the draft list which ended in dismissal. It is true that the suit is of the year 1994. It can also be seen that the plaintiff is eagerly interested in prosecuting the suit because he has filed a suit for realisation of an amount of Rs.1,40,000/-. The grievance of the plaintiff is that unless he goes back for employment in the gulf country he may lose the job and as he has to go by 17th of this month and as he may not be able to avail of any leave immediately, he has requested the

Court for postponing the trial of the case till the end of March, 2007. I feel that there is bonafide and genuineness in the petitioner's request and therefore I direct the Court below to remove the case from the list and post the case in the list during the last week of March, 2007.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

ul/-